

USEPA AMCO Superfund Site CAG Meeting, January 11, 2009

EPA Attendees: Leana Rosetti
 Rose Marie Caraway
 Steve Calanog
 Nick Vargas

EPA Contractors: Yash Nyznyk/CDM
 Vibhav Mankad/CDM
 Kent Baugh/ITSI
 Frankie Burton/CH2M HILL

CAG Members: Brian Beveridge
 Angie May
 Lorena Mendoza
 Lisa Spearman
 John Schweizer /Technical Assistant

West Oakland Residential Lead Assessment Update

EPA Presentation/Information

- Lead contamination in yards is about two times EPA's desired level.
- Steve Calanog/EPA proposed to his management that they replace the contaminated soil with clean soil.
- Once EPA's management has approved the removal action it will take approximately two years to complete.
- EPA's management has requested that EPA's Emergency Response does more research into the cause of contamination before they'll approve the removal action.

Public/Technical Advisor Comments

- What lead blood level is safe?
 - EPA suggested that residents contact Sophia Serda/EPA with their child's blood lead level number. Rose Marie requested and was granted permission to reply to the entire CAG with Sophia's response to Angie's question. EPA prefers to include the entire CAG when responding to resident's questions since more than one person may have the same questions.
- Please note that no blood lead level is safe. Lead is not naturally occurring in our bodies.

How Will EPA Prevent Air Contamination during the Implementation of Corrective Action

EPA Discussion

- How EPA will prevent VOCs from escaping during excavation and removal of cement?
 - The excavation of the cement and contaminated soil is estimated to take approximately 8 weeks. EPA will most likely offer to relocate residents for as many as 8 weeks during the time of the excavation.
 - EPA could also leave the cement layer on while pumping NAPL (contaminants) out of small holes, and then excavate the cement and contaminated soil..

- EPA could use tents to contain the vapors, but that greatly increases the risk to the workers.
- EPA could use suppressants to mask the odor, which will be strong. EPA can also use a suppressant foam that will prevent the vapors from being released to the air.
- EPA will continuously monitor the air contamination levels with hand held devices, which will trigger an immediate notification if unsafe levels are reached.
- Additionally, EPA plans to sample every 24 hours, but that will have to go back to the lab. (This is to verify the handheld data).

Public/Technical Advisor Comments

- The odors are not the main concern with AMCO – it's the possibility that VOCs could escape into the air and could harm the residents.
 - EPA's contractors are required by law (via a contract with EPA) to stop work immediately upon reaching unsafe levels.
 - It is important to note that just because you smell something does not mean the air is contaminated by unsafe chemicals by the removal action.
- Could the residents get a map of the project site?
 - EPA could give residents a map of the working area, which will indicate specifically where the exclusion and other zones are located, once their contractor is hired and develops a map. However that is a more than a year away.
 - Only workers with protective gear on and 40 hours hazardous waste training are allowed into the inner most area, which is referred to as the exclusion zone.
 - Surrounding the exclusion zone could be an area where only employees are allowed, but they do not have to have gear on or extensive training.
 - Surrounding the area outside of the exclusion zone could be an area where there are fences. This area would be far enough away from the exclusion zone that it is safe for residents to live and walk outside of.
- Who do you monitor for? Some people are more susceptible to smells than others.
 - They monitor for unsafe air quality levels, because the smell does not automatically indicate contamination.
 - EPA is willing to relocate the residents that are especially sensitive (e.g.: get headaches from the odors) to the odors, even though the odors do not always indicate a health threat.
- The residents requested that EPA hold an Open House in South Prescott Park a few weeks prior to the start of construction to show the residents images of what they may see and smell during construction (e.g.: protective clothing, respirators, monitoring devices, etc.).
 - EPA is willing to be as open as possible with what the residents should expect to see during implementation of the remedial action.

TAG/TASC Update

EPA Discussion

- EPA sent a letter to the Alliance for West Oakland Development terminating the Technical Assistance Grant. It will take some time before it is completely terminated, because EPA is required to give the Alliance for West Oakland Development time to appeal the termination.
- **Save the date - February 1, 2010:** Large meeting at Mandela Gateway regarding Redevelopment of West Oakland.
- E2 is working on an overall reuse project for West Oakland, which Rose Marie hopes can be combined with the TASC program.
 - Key West Oakland Project Area Committee **WOPAC** members should attend the February 1st meeting if they're interested in what could happen in Oakland regarding reuse/redevelopment of the community.

- TASC can help the residents navigate the whole system and maximize community input into the process.
- Similar to the Technical Advisor for the TAG, residents cannot ask the TASC to obtain new data, but they can evaluate the data on behalf of the community.
- The TASC could also assist the residents in preparing for a potential relocation, helping with outreach, and document review. It can subcontract several different technical advisors who specialize in different fields. The first step is for TASC to conduct a needs assessment with the community.

Public/Technical Advisor Comments

- Who owns the land?
 - Individual family trusts currently own the land that the AMCO site sits on.
 - In some projects the land owners have donated the land to the city in order to settle their environmental liability associated with the cleanup, but that is not always the outcome.
- Is there ever a community benefit agreement attached to the cleanup to ensure that the land is used in a way that will benefit the community?
 - Not exactly, but there are a lot of programs that could promote the community working with the land owner.
 - Unfortunately, EPA only cleans up the site to safe levels and is not allowed to determine the end use of the property.
 - Ultimately, it is up to the land owner who is not required to sell the property.
 - EPA is always conducting enforcement actions with potentially responsible parties (i.e. landowners). We can discuss those actions after they have been completed but not while they are ongoing.

Temporary Relocation Guidance; Permanent Relocation

EPA Discussion

EPA brought copies of EPA's Temporary Relocation Guidance, as well as an FAQ handout regarding Temporary and Permanent relocation, and a handout with excerpts from the "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions", OSWER Directive, June 30, 1999 (All are attached in email).

- What justifies a temporary relocation, and how does EPA determine who is relocated?
 - 1. Health threats – Whether or not the resident's health is threatened before or during the start of construction.
 - 2. Safety of residents – Whether or not the equipment would pose a threat to the integrity of a structure. (To protect people and people's property.)
 - 3. Efficiency of the response action – Whether or not the response action can be implemented more quickly and at a lower cost if residents are not in the area.
 - In the case of the AMCO, EPA would determine whether any of these factors come into play and who would be affected, and then decide whether temporary relocation is necessary. EPA must be able to apply at least one of the above reasons in order to justify relocation.
- How is the temporary housing chosen? How much choice do residents have in their temporary housing?
 - EPA works with residents to assess their housing needs. EPA then matches residents as closely as possible with available housing that will meet their needs. The dwelling chosen must comply with EPA's "Decent, Safe, and Sanitary Standards" and should be "Comparable Replacement Housing".
- What if someone doesn't want to move?

- Generally, temporary relocations are considered voluntary. In situations where the health or safety of residents is threatened by contamination, the local government may use its own authority (e.g., authority to condemn property) to force a temporary relocation.
- It is important to note that all residents will be treated equally in terms of how much they're reimbursed for food and housing.
- What could trigger a permanent relocation?

The primary reasons would be to address an immediate risk to human health (where an engineering solution is not readily available) or where the structures (homes or businesses) are an impediment to implementing a protective cleanup. Other examples of when a permanent relocation would be considered include:

- the temporary relocation is projected to last for an extended period of time (one year or longer),
- the cleanup activities may cause structural damage to the property
- the structures cannot be decontaminated to levels that are protective of human health

The decision of permanent relocation is made on a case-by-case basis depending on project length, availability of suitable housing, disruption of residents' lives, wishes of the residents, and comparative costs of a permanent relocation over a temporary relocation.

In the case of AMCO, it is possible that the 3 homes on 3rd St. adjacent to the site, especially the home that is most adjacent, may be structurally damaged during the excavation. In addition EPA may discover as excavation proceeds that there is contamination under the homes that can only be removed by excavating these properties. However it is difficult to predict before excavation begins whether this will be the case or not. Therefore EPA will discuss with each resident and homeowner on 3rd St. whether or not their individual homes meet a temporary or permanent relocation criteria. EPA is currently working with the contractors to determine whether or not we could proceed with a recommendation for a permanent relocation for the homes on 3rd Street before construction begins or whether or not the information we have suggests that permanent relocation could only be offered after construction of the site begins. In any case, all of the homes on 3rd Street will be offered temporary relocation during the implementation of the excavation component of the remedy. We will take into account the size of each household to ensure that we find suitable temporary relocation sites.

- What qualifies as similar housing?
 - Again, it would have to fall under "Comparable Replacement Housing" as described in the Temporary Relocation Guidance, and must meet Decent, Safe, and Sanitary criteria. EPA would work with the tenants and homeowners to find a desirable housing that suits their needs. (i.e., in the same neighborhood, duplex, etc.)
- What kind of financial assistance is provided, for both renters and owners?
 - This is fairly complex and is described in p. 42-44 of the Guidance.
- **West Oakland Relocation Proposal submitted by Bradley Angel (attached)**
 - EPA agrees to points 2, 4, 5, 6, 7, and 8
 - Point #1: *"Immediate and permanent relocation with adequate assistance and compensation must be offered to residents living in homes adjacent to the Superfund site and/or homes where contaminants from the Superfund site were detected."* It is possible that permanent relocation for the 3 properties on 3rd St. will be offered. It is less likely that this can be justified for the homes on Center St. (See discussion below regarding immediate relocation request.)
 - Point #3: *"During the Superfund site cleanup, offer temporary relocation to all residents living within one city block of the site."* This will have to be determined on a property by property basis depending on the design of the remedy and whether relocation can be justified. However there will be some flexibility depending on how the cleanup proceeds and how it is

affecting the residents. EPA is anticipating temporary relocation for the 3 homes on 3rd Street, and the homes adjacent to the site on Center Street. CAG members living on the other side of 3rd Street have expressed concern that they too be offered temporary relocation. EPA anticipates that some of those residents can be incorporated into the overall temporary relocation on a case by case basis. It is important to note that as construction of a remedy begins the agency can change and adapt previous plans to accommodate situations that could change based upon construction work. However, EPA believes that they can conduct the work without negatively impacting the residents on Center Street. The temporary relocation component of the remedy is offered to ensure protection and to reassure residents that if field conditions are not what EPA anticipates there is another alternative available.

- EPA asked the residents if the limitations to these points in the proposal were acceptable and they were generally satisfied. The residents would consult again with Bradley and the discussion can be continued at the next CAG if there are additional questions.

Public/Technical Advisor Comments

- What's stopping EPA from permanently relocating residents now?
- The concentrations of contaminants present in the EPA indoor air investigations do not rise to the acute level that requires an immediate relocation of residents living near the site. The concentrations present do however, indicate that the site does increase the risks to residents living on 3rd Street and Center Street, i.e. homes located adjacent to the site. To mitigate for some of those indoor risks EPA has installed the mitigation system on the 3rd Street properties and one property located on Center Street.
 - Permanent relocation is being considered as part of the solutions to address EPA concerns when evaluating short and long term risk to citizens as part of the 9 criteria evaluation process of the Feasibility Study. Therefore, EPA can not move forward with Superfund construction implementation until the extent of contamination and cleanup alternatives have been evaluated and put into the Remedial Investigation/Feasibility Study and the Record of Decision for the site.
 - Since the site does not meet the criteria for an immediate risk, EPA can not spend the money for relocation until certain decision documents are finalized and money has been allocated for the cleanup of the site.
 - There would have to be an immediate short-term risk to residents to justify an immediate relocation. EPA has determined this is not the case for AMCO.
 - For the AMCO site, when EPA makes a decision about permanent relocation it will be solely determined by whether or not certain properties will be an impediment to construction and whether or not implementation of the remedy could negatively effect the resident's health during construction.
 - EPA's decision has nothing to do with how the area will be developed in the future.
- Why does EPA's relocation guidance sound more rigid than how Rose Marie describes it?
 - EPA is permitted to interpret the relocation guidance as rigidly as it is written.
 - In Rose Marie's experience temporary relocation is fairly flexible, because it is not permanent. She would prefer to relocate a resident temporarily if that is their desire, rather than slow down the cleanup by arguing about whether it should be done or not.
- It is important to have objective and safety/health based reasons for temporary relocation so as to be fair when determinations are made. However there is some flexibility and EPA will work with the community to address their concerns.

Community Advisory Group

- February 1st EPA will hold a meeting at the Mandela Gateway Apartment regarding West Oakland reuse.
- Next official CAG meeting: March 1, 2010 (*Has since been changed to Feb. 23*). Agenda items:
 1. Finish going through the Temporary Relocation Guidance if there are additional questions
 2. Lead update
 3. TASC needs assessment status
 4. Indoor air second round of sampling
 5. Remedial Alternatives